



**DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I HEREBY DECLARE:

THAT my residence, post office address, and citizenship are as stated below next to my name;

THAT I believe I am the original, first, and sole inventor (if only one inventor is named below) or an original, first, and joint inventor (if plural inventors are named below or in an attached Declaration) of the subject matter which is claimed and for which a patent is sought on the invention entitled

FUMED SILICA EMBOLIC COMPOSITIONS

Attorney Docket No. 355492-3150

the specification of which (check one)

☐ is attached hereto.

☒ was filed on February 26, 2004 as United States Application Number or PCT International Application Number 10/789,436 and was amended on \_\_\_ (if applicable).

THAT I do not know and do not believe that the same invention was ever known or used by others in the United States of America, or was patented or described in any printed publication in any country, before I (we) invented it;

THAT I do not know and do not believe that the same invention was patented or described in any printed publication in any country, or in public use or on sale in the United States of America, for more than one year prior to the filing date of this United States application;

THAT I do not know and do not believe that the same invention was first patented or made the subject of an inventor's certificate that issued in any country foreign to the United States of America before the filing date of this United States application if the foreign application was filed by me (us), or by my (our) legal representatives or assigns, more than twelve months (six months for design patents) prior to the filing date of this United States application;

THAT I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment specifically referred to above;

THAT I believe that the above-identified specification contains a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention, and sets forth the best mode contemplated by me of carrying out the invention; and

THAT I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I HEREBY CLAIM foreign priority benefits under Title 35, United States Code §119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number	Country	Foreign Filing Date	Priority Claimed?	Certified Copy Attached?

I HEREBY CLAIM the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.

U.S. Provisional Application Number	Filing Date
60/450,289	2-26-03
60/461,177	4-7-03
60/451,310	2-27-03
60/461,290	4-7-03
60/450,626	2-26-03
60/461,289	4-7-03
60/450,288	2-26-03
60/451,228	2-27-03
60/461,288	4-7-03
60/461,283	4-7-03

I HEREBY CLAIM the benefit under Title 35, United States Code, §120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application Number	PCT Parent Application Number	Parent Filing Date	Parent Patent Number

As a named inventor, I hereby appoint Gerald F. Swiss (Reg. No. 30,113), William H. Benz (Reg. No. 25,952), Lorna L. Tanner (Reg. No. 50,782), Julie L. Heinrich (48,070), David P. Lentini (33,944), Carol A. Stratford (34,444), Stephen Todd (47,139), and all of Foley & Lardner LLP, whose address is Building 3, Palo Alto Square, 3000 El Camino Real, Suite 100, Palo Alto, California 94306, and each of them, my attorneys, to prosecute this application, and to transact all business in the Patent and Trademark Office connected therewith.

I request that all correspondence be directed to:

Gerald F. Swiss  
FOLEY & LARDNER LLP  
Customer Number: 38706

Telephone: (650) 856-3700  
Facsimile: (650) 856-3710

I UNDERSTAND AND AGREE THAT the foregoing attorneys and agents appointed by me to prosecute this application do not personally represent me or my legal interests, but instead represent the interests of the legal owner(s) of the invention described in this application.

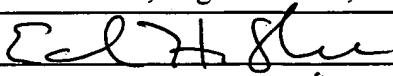
I FURTHER DECLARE THAT all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so

made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Name of first inventor	<b>William R. PATTERSON</b>
Residence	Irvine, CA
Citizenship	US
Post Office Address	90 Windjammer, Irvine, Ca 92614
Inventor's signature	
Date	

Name of second inventor	<b>Richard J. GREFF</b>
Residence	St. Pete Beach, FL
Citizenship	US
Post Office Address	2891 Alton Drive, St. Pete Beach, FL 33706
Inventor's signature	
Date	

Name of third inventor	<b>Meyer R. ROSEN</b>
Residence	East Norwich, NY
Citizenship	US
Post Office Address	7 Dusenburg, East Norwich, NY 11732
Inventor's signature	
Date	

Name of fourth inventor	<b>Earl SLEE</b>
Residence	Laguna Beach, CA
Citizenship	US
Post Office Address	7 Whitesail, Laguna Beach, CA
Inventor's signature	
Date	June 2, 2004

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Name of first inventor **William R. PATTERSON**  
Residence **Irvine, CA**  
Citizenship **US**  
Post Office Address **90 Windjammer, Irvine, Ca 92614**  
Inventor's signature *W. R. Patterson*  
Date *6/30/04*

Name of second inventor **Richard J. GREFF**  
Residence **St. Pete Beach, FL**  
Citizenship **US**  
Post Office Address **2891 Alton Drive, St. Pete Beach, FL 33706**  
Inventor's signature *Richard J. Greff*  
Date *6/25/04*

Name of third inventor **Meyer R. ROSEN**  
Residence **East Norwich, NY**  
Citizenship **US**  
Post Office Address **7 Dusenburg, East Norwich, NY 11732**  
Inventor's signature  
Date

Name of fourth inventor **Earl SLEE**  
Residence **Laguna Beach, CA**  
Citizenship **US**  
Post Office Address **7 Whitesail, Laguna Beach, CA**  
Inventor's signature *Earl H. Slee*  
Date *June 2, 2004*

made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Name of first inventor **William R. PATTERSON**  
 Residence Irvine, CA  
 Citizenship US  
 Post Office Address 90 Windjammer, Irvine, Ca 92614  
 Inventor's signature *W. R. Patterson*  
 Date *6/30/04*

Name of second inventor **Richard J. GREFF**  
 Residence St. Pete Beach, FL  
 Citizenship US  
 Post Office Address 2891 Alton Drive, St. Pete Beach, FL 33706  
 Inventor's signature  
 Date

Name of third inventor **Meyer R. ROSEN**  
 Residence East Norwich, NY  
 Citizenship US  
 Post Office Address 7 Dusenbury, East Norwich, NY 11732  
 Inventor's signature *Deusenbury* *Meyer Rosen*  
 Date *6/25/04*

Name of fourth inventor **Earl SLEE**  
 Residence Laguna Beach, CA  
 Citizenship US  
 Post Office Address 7 Whitesail, Laguna Beach, CA  
 Inventor's signature *Earl H. Slee*  
 Date *June 2, 2004*

Name of fifth inventor

**Thomas J. WHALEN, II**

Residence

Encinitas, CA

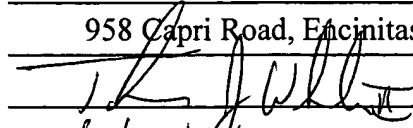
Citizenship

US

Post Office Address

958 Capri Road, Encinitas, CA 92024

Inventor's signature



Date

6/30/04.